

REMARKS

Applicants have, as required, amended the claim to eliminate the nonelected subject matter while reserving the right to file divisional applications.

Claims 32-53 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

It is submitted that one of ordinary skill in the art with knowledge of the published literature, related patents and the contents of the present application would be able to make the use the invention without extensive experimentation. See, for example, U.S. Patent No. 6,509,656 B1.

The Office Action rejected claim 54 under 35 U.S.C. 112, second paragraph, as incomplete. Applicants have amended this claim to set forth the reagents and reaction conditions. Accordingly, this rejection should be withdrawn.

The Office Action rejected claim 24 under 35 U.S.C. 102(e) as being anticipated by Webber et al. and claims 27-31 under 35 U.S.C. 103(a) as being unpatentable over Webber, et al.

While Webber et al. disclose an extremely broad genus as substituents for R¹ (B), there is absolutely no suggestion that piperidine or piperazine are preferred substituents. Thus, the claims are not anticipated or rendered obvious by Webber et al. In re Meyer, 599 F.2d 1026, 1031-32, 202 USPQ 175 (CCPA 1979); In re Ornitz, 376 F.2d 330, 336, 153 USPQ 453 (CCPA 1967).

Favorable consideration and allowance of claims 24, 25 and 27-54 is
respectfully requested.

Respectfully submitted,

Wood, Phillips, Katz,
Clark and Mortimer

By Martin L. Katz
Martin L. Katz, Reg. No. 25,011

Date: August 9, 2004

Citicorp Center
500 West Madison Street
Suite 3800
Chicago, IL 60661
(312) 876-1800



37 CFR 1.8
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with United States Express Mail (EV 348825835 US) addressed to: Mail Stop Provisional Application, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on August 9, 2004

Rebecca J. Willis
Rebecca J. Willis